

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LUCAS HARVILL, individually and)	
on behalf of others similarly situated,)	
)	
Plaintiff,)	No. 4:14-CV-1444 JAR
)	
v.)	
)	
PHELPS COUNTY RESTAURANT, LLC)	
d/b/a COLTON'S STEAK HOUSE & GRILL,)	
and CHRIS MORGAN,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on the parties' Joint Motion for (1) Certification of a Class For Settlement Purposes; (2) Preliminary Approval of the Class Action Settlement Agreement; and (3) Approval of the Notice to Class Members. (Doc. No. 48) Having reviewed the parties' submissions, the Court will certify the class for settlement purposes, grant preliminary approval of the Settlement Agreement and exhibits thereto, and approve the form and content of the parties' proposed class notice.

Accordingly,

IT IS HEREBY ORDERED that the parties' Joint Motion for (1) Certification of a Class For Settlement Purposes; (2) Preliminary Approval of the Class Action Settlement Agreement; and (3) Approval of the Notice to Class Members [48] is **GRANTED**.

IT IS FURTHER ORDERED that for purposes of settlement, two separate classes are certified: (a) all persons who opted into the lawsuit on Count I of the Complaint by filing a

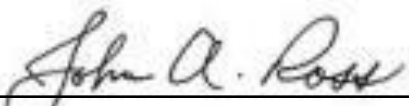
consent-to-join form with the Court on or before April 24, 2015 (see Exhibit 1 to the Settlement Agreement, Doc. No. 48-1 at 15); and (b) all persons who worked for Colton's at any time from August 19, 2012 to July 31, 2014 and whose compensation included receiving tips and/or who participated in a tip pool or tip sharing arrangement (see Exhibit 2 to the Settlement Agreement, Doc. No. 48-1 at 16-21).

IT IS FURTHER ORDERED that the parties' proposed class notice, filed as Exhibit 3 to the Settlement Agreement (Doc. No. 48-1 at 22-26), shall serve as notice in this case. Within ten (10) days of the date of this Order, and no later than **Thursday, June 18, 2015**, class counsel shall send the notice to the class members by first class mail.

IT IS FURTHER ORDERED that the Court will hold a final fairness hearing on **Thursday, July 30, 2015 at 2:00 p.m.**, for purposes of determining whether final approval of the Class Settlement Agreement is appropriate, whether Class Counsel fairly and adequately protected the interests of the Settlement Class, and whether Class Counsel's attorney's fees, costs, and expenses should be approved by the Court.

IT IS FINALLY ORDERED that the Court's June 3, 2015 Order [49] is **VACATED**.

Dated this 8th day of June, 2015.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE